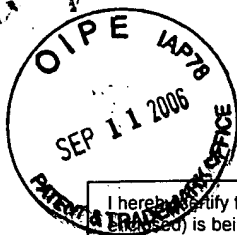


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11/11



I hereby certify that this paper (along with any paper referred to as being attached or incorporated by reference) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847895017 US, on the date shown below in an envelope addressed to: Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 11, 2006

Signature: \_\_\_\_\_

(Diane Blevins)

Docket No.: 532732000101  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yajun GUO et al.

Allowed: April 5, 2005

Application No.: 09/915,746

Confirmation No.: 1834

Filed: July 26, 2001

Art Unit: 1643

For: METHOD AND COMPOSITION FOR  
DIAGNOSIS OF MELANOCYTIC LESIONS

Examiner: K. Canella

**PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR §1.313(c)(2)**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. Claims 1-18 were found to contain allowable subject matter. The Issue Fee in this application was timely paid on May 23, 2005.

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a Request for Continued Examination under 37 CFR §1.114 and a Submission under 37 CFR §1.114 (c) both of which are being filed concurrently with said Petition.

09/14/2006 TBESHAH1 00000012 031952 09915746  
02 FC:1464 139.00 DA

Petitioner respectfully requests that the subject application be withdrawn from issue in order for the Office to consider and make of record of Trefzer et al., *BMC Cancer*, 6(8):1-12 (2006) and other references submitted in the accompanying Information Disclosure Statement.

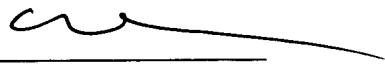
Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i).

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Order No. **532732000101**.

Dated: September 11, 2006

Respectfully submitted,

By

  
Peng Chen

Registration No.: 43,543

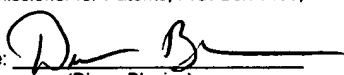
MORRISON & FOERSTER LLP

12531 High Bluff Drive, Suite 100

San Diego, California 92130

(858) 720-5117

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847895017 US, on the date shown below in an envelope addressed to: Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 11, 2006 Signature: 

(Diane Blevins)

Docket No.: 532732000101  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jun GUO et al.

Application No.: 09/915,746

Confirmation No.: 1834

Filed: July 26, 2001

Art Unit: 1643

For: METHOD AND COMPOSITION FOR  
DIAGNOSIS OF MELANOCYTIC LESIONS

Examiner: K. Canella

**SUBMISSION UNDER 37 C.F.R. §1.114(c)**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This Submission is being filed with the U.S. Patent and Trademark Office in combination with a Request for Continued Examination under 37 CFR §1.114 and a Petition to Withdraw Application from Issue pursuant to 37 CFR §1.313(c)(2).

Reconsideration and allowance of the pending claims 1-18 in light of the remarks presented herein are respectfully requested.

**REMARKS**

Petitioner has respectfully petitioned that the above-identified application be withdrawn from issue (under 37 C.F.R. §1.313(c)(2)) in order to permit consideration of said Submission under 37 CFR §1.114 (Request for Continued Examination).

In the subject application, claims 1-18 were found by the Examiner to contain allowable subject matter. Accordingly, the Issue Fee in this application was timely paid on May 23, 2005.

In the Petition to Withdraw, Petitioner respectfully requested that the subject application be withdrawn from issue in order for the Office to consider and make of record of Trefzer et al., *BMC Cancer*, 6(8):1-12 (2006) and other references submitted in the accompanying Information Disclosure Statement.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: September 11, 2006

Respectfully submitted,

By 

Peng Chen

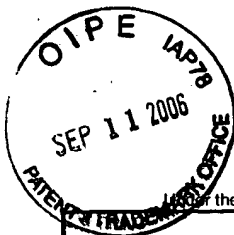
Registration No.: 43,543

MORRISON & FOERSTER LLP

12531 High Bluff Drive, Suite 100

San Diego, California 92130-2040

(858) 720-5117



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

**Send completed form to:**

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/915,746
Filing Date	July 26, 2001
First Named Inventor	Yajun GUO
Art Unit	1643
Examiner Name	K. Canella
Attorney Docket Number	532732000101

Enclosed is a petition filed under 37 CFR 1.313(c)(2) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants.
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Signature

Peng Chen

Typed or printed name

September 11, 2006

Date

43,543

Registration No., if applicable

**Duplicate Copy for Fee Processing**